

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
January 4, 2010

- D056526     Babin v. Superior Court of San Diego County/HSBC Bank USA, National Association**  
The petition for writ of mandate and request for stay have been read and considered by Justices Nares, McDonald and O'Rourke. This petition concerns a ruling in a limited civil case. "The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus...directed to the superior court in causes subject to its appellate jurisdiction." (Cal. Const., art. VI, § 10.) An appeal in a limited civil case lies with the appellate division of the superior court. (Code Civ. Proc., § 904.2.) The petition is denied.
- D055780     In re the Marriage of Ramirez**  
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D054926     In re Martin on Habeas Corpus**  
The petition is dismissed.  
McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D053658     South Bay Rod and Gun Club v. Dashiell**  
The petition for rehearing is denied.
- D056499     People v. Protsman**  
A defendant has no standing to move to recall his or her sentence. (*People v. Pritchess* (1993) 20 Cal.App.4th 190, 194.) The superior court's letter declining to modify Eugene Protsman's restitution fines imposed on May 24, 1999, is not appealable. The appeal filed on December 14, 2009, is dismissed.
- D055130     People v. Madrid**  
The petition for rehearing is denied.

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- D056433     In re Guillen on Habeas Corpus**  
The petition is denied.
- D056106     San Diego County Health and Human Services Agency v. Superior Court of San Diego County/V.B.**  
In light of the establishment of the limited conservatorship and termination of the dependency proceedings, the court grants the motion to dismiss and discharges the order to show cause as moot. The stay issued on October 26, 2009, is vacated. The writ proceeding is dismissed.
- D056426     In re Armando Lopez on Habeas Corpus**  
The petition is denied.
- D054361     In re Earl H., a Juvenile**  
The orders are affirmed. McConnell, P.J.; We Concur: Haller, J., Irion, J.
- D053078     People v. Palacio**  
The judgment is affirmed. Huffman, Acting P.J., Nares, J., Haller, J.
- D056509     Wanton v. Superior Court of San Diego County/People**  
The petition is denied.
- D055884     In re C.G., a Juvenile**  
The appeal is dismissed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D054441     People v. Blanco**  
The judgment is affirmed.  
McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.
- D055068     People v. Maikhio**  
The order is affirmed. CERTIFIED FOR PUBLICATION.  
McDonald, J.; I Concur: Huffman, J., I Dissent: Benke, Acting P.J.
- D056406     Letourneau v. Tesh**  
Because appellant did not timely pay the filing fee, the appeal is dismissed.  
(Cal. Rules of Court, rule 8.100(c)(3).).
- D056510     Aikey v. Superior Court of San Diego County/Marine**  
The petition is denied.

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January 5, 2010 (Continued)

**D056317     In re Ortega on Habeas Corpus**

The petition is denied.

**D056366     In re Soltero on Habeas Corpus**

The petition is denied.

**D056508     Zarrindej v. Superior Court of San Diego County/People**

The petition is denied.

**D054443     People v. Zamudio**

The petition for rehearing is denied.

**D056301     People v. Perez**

**D056442     People v. Hill**

On the Court's own motion, the appeal filed on November 10, 2009, by Michael E. Perez, and the appeal filed on December 3, 2009, by co-defendant, Keith Hill are consolidated. The San Diego County Superior Court Clerk is directed to prepare one record on appeal which is due January 22, 2010. The record and all future documents will be filed under D056301.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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January 6, 2010

- D055197     In re Mariah J. et al., Juveniles**  
The orders are affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.
- D056036     In re Jordan S., a Juvenile**  
The appeal is dismissed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.
- D055665     Conservatorship of Charles S.**  
The appeal is dismissed. McConnell, P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D056055     In re I.N., a Juvenile**  
The appeal is dismissed.  
McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D053924     Estate of Schooler, Deceased**  
Order reversed. The court is directed to vacate its September 25, 2008 Order on the petition of John, Louis and Andrew Schooler (Brothers) for declaratory relief under section 21320, and issue a new order providing that Jane Schooler would not be entitled to enforce the no contest clause against the Brothers if they file and litigate their proposed Objections to Executor's First and Final Account and Request for Surcharge of Executor and Other Remedies, except with respect to the Brothers' claims for Jane Schooler to be held personally responsible for attorney fees and costs in the litigation. The parties to bear their own costs on appeal.  
Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.
- D053628     Chee-Wong v. Chen**  
The judgment is affirmed. Chee-Wong shall recover his costs on appeal.  
Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.
- D054569     Reedy v. Bussell**  
The judgment is affirmed. Reedy shall recover her costs on appeal.  
Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.
- D055329     In re Christopher V.-G. et al., Juveniles**  
The order is reversed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.
- D055191     In re Owen C., a Juvenile**  
The judgment denying James reunification services is reversed. The case is remanded for a new dispositional hearing regarding family maintenance services for James; at the hearing the court shall determine Owen's best interests and exercise its discretion accordingly. In all other respects the judgment is affirmed.  
Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

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January 6, 2010 (Continued)

- D054792     In re Olson on Habeas Corpus**  
The order of the trial court is affirmed.  
McDonald, J.; I Concur: Nares, J.; I Dissent: Benke, Acting P.J. (opinion)
- D055367     Marasigan v. Marasigan**  
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D053218     McGuire v. 235 On Market Homeowners Association**  
**D054131     McGuire v. 235 On Market Homeowners Association**  
(Consolidated) The request for publication and the petition for rehearing, both filed December 23, 2009, are denied.
- D056388     El Wood-Garza v. City of San Diego et al.**  
Because appellant did not timely pay the filing fee, the appeal is dismissed.  
(Cal. Rules of Court, rule 8.100(c)(3).)
- D056256     Pamela H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D056410     Reyes v. Superior Court of San Diego County/Tooker**  
The petition is denied.
- D056419     San Diego County In-Home Supportive Service Public Authority v. Superior Court of San Diego County/Woodruff**  
The petition is denied.

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**D053795     People v. Hayes**

The conviction on count 3 and the true finding on the on-bail enhancement associated with that count are reversed. Count 3 is ordered dismissed. The sentence is vacated and the matter is remanded to the trial court for resentencing. Aaron, J.; We concur: Huffman, Acting P.J., McDonald, J.

**D056511     Free Sacred Trinity Church et al. v. The Superior Court of San Diego County/Sharp Healthcare**

The petition is denied.

**D056462     In re Rodgers on Habeas Corpus**

The petition is denied.

**D055577     People v. Robinson**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

**D054444     People v. Akers**

The order is affirmed. Nares, J.; We Concur: McConnell, P.J., Irion, J.

**D053978     Marsh v. Marsh**

The judgment is affirmed. Stephen is entitled to his costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D053960     Fuentes v. City of Chula Vista et al.**

The judgment in favor of Trust is affirmed. The judgment in favor of City is reversed. The matter is remanded with directions that the superior court deny City's joinder motion and conduct further proceedings consistent with this opinion. Fuentes shall recover his costs on appeal as to City. In all other respects, the parties shall bear their own costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D056460     In re Chau on Habeas Corpus**

The petition is denied.

**D056464     In re Chavez on Habeas Corpus**

The petition is denied.

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January 7, 2010 (Continued)

**D056537     In re S.A. et al., Juveniles**

This case has been reviewed by Associate Justices Benke, Nares, and O'Rourke. The notice of appeal challenging the October 8, 2009 judgment is duplicative of cases D056422 and D056109 which have been dismissed. The notice of appeal challenging the October 1, 2009 order is untimely. The appeals are dismissed.

**D056513     In re Sierra A. on Habeas Corpus**

The petition is denied.

**D056417     In re Elizabeth R., a Juvenile**

The petition is denied.

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DIVISION ONE  
January 8, 2010

- D053688     People v. Gonzalez**  
The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.
- D053408     Aquino v. Crucero USA, LLC**  
Appellant's petition for rehearing is denied.
- D053957     People v. DaCosta**  
**D055074     In re DaCosta on Habeas Corpus**  
(Consolidated) The judgment is affirmed. The petition for writ of habeas corpus is denied. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.
- D053306     People v. Velarde**  
**D055005     In re Velarde on Habeas Corpus**  
(Consolidated) The petition for rehearing is denied.
- D056524     Hayes v. Superior Court of San Diego County/People**  
The petition is denied.